AMEND ZONING BYLAW - ARC DISTRICT CHANGES

ARTICLE BU

(Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows:

- A. Amend the zoning map, Map No. 1, by rezoning from General Industrial (GI) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map F-3 as parcels 16 and 16-1.
- B. Amend the zoning bylaw, section 5, Table of Dimensional Regulations, by deleting the line for ARC and replacing it with a new line for ARC as follows [Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the ARC district, the present designation is shown in brackets]:

	Minimum	Minimum	Minimum	Minimum	Minimum	Minimum	Maximum	Maximum
Zoning	LOT Area	LOT	LOT	Front	Side &	OPEN	FLOOR	Height
Districts	in sq. ft.	FRONTAGE	Width	Yard	Rear Yard	SPACE	AREA	in feet
		in feet	in feet	in feet	in feet	in percent	RATIO	
ARC	NR	20	50	20	10	NR	NR	36
	[80,000]			[45]	[20]			

[,] or take any other action relative thereto.

SUMMARY

This Article intends to accommodate the T. J. O'Grady Memorial Skate Park design on its chosen site on Hayward Road. Part A would rezone the +/- 1.3-acre (+/- 57,000 square feet) town-owned property at 66 Hayward Road from General Industrial District (GI) to the Agriculture Recreation Conservation (ARC) District. Part B would change dimensional requirements in the ARC District, dropping the minimum lot area requirement, and reducing the minimum yard requirements for buildings and structures from 45 to 20 feet in the front and from 20 to 10 feet in the side and rear.

Rezoning of the site from GI to ARC reflects the future recreation use of the property. Although the park would be allowed under the site's present GI zoning, the rezoning to ARC allows for changes in the dimensional requirements that might not be appropriate for industrial uses, but are needed to accommodate the skate park. Given the site's topography and existing wetlands constraints, the skate park with its proposed permanent concrete structures, including a series of ramps, a "bowl", and a street course, requires reductions in the minimum setback dimensions in order to fit the skate park's design in a practical, safe, and cost efficient manner on the site. The elimination of the minimum lot size requirement is proposed because the skate board park site is too small to meet the present minimum requirement.

Direct Inquiries to: Roland Bartl, Town Planner: <u>planning@acton-ma.gov</u> / (978) 264-9636 Selectman assigned: - E-mail: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee Recommended Recommended Recommended

ARTICLE BV (Two-thirds vote)

AMEND ZONING BYLAW – SOUTH ACTON VILLAGE DISTRICT MULTI-FAMILY DWELLINGS

To see if the Town will vote to amend the zoning bylaw, section 3, by adding to footnote (2) in the Table of Principal Uses the following sentence [Notes in italic print are not part of the article but are intended for explanation only]:

(2) In the SAV district, the Board of Selectmen may by Special Permit allow more than four DWELLING UNITS per multifamily dwelling.

[Note: Footnote (2) applies to Multifamily Dwellings in the South Acton Village (SAV) district and the Village Residential (VR) district in West Acton. It currently reads as follows: (2) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required.]

, or take any other action relative thereto.

SUMMARY

Presently, multifamily dwellings in the South Acton Village District are limited to four dwelling units per building. This article provides that the Board of Selectmen may grant a special permit for buildings with more than four dwelling units. This special permit is in addition to the site plan special permit that the zoning bylaw already requires. It is the Planning Board's belief that this change will allow the construction of larger residential buildings that are more consistent with or reminiscent of South Acton's history and architectural heritage as a 19th century manufacturing center. The added special permit affords authority and discretion for the architectural review of the proposed buildings that a site plan special permit alone may not provide. This article would not change the overall density limits for residential development in the South Acton Village district.

Direct Inquiries to: Roland Bartl, Town Planner: <u>planning@acton-ma.gov</u> / (978) 264-9636 Selectman assigned: - E-mail: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee Recommended Not Recommended Recommended

AMEND ZONING BYLAW ADJUSTMENTS TO SECTION 9B – SENIOR RESIDENCE

To see if the Town will vote to amend section 9B of the zoning bylaw as follows: [Notes in italic print are not part of the article but are intended for explanation only]:

- A. Insert a new section 9B. 2.3 as follows:
 - 9B.2.3 Underlying Zoning District Where the Planning Board grants a special permit for a Senior Residence, the USE, dimensional, and parking requirements applicable to the underlying zoning district shall not apply.
- B. Insert a new section 9B.4.3 as follows:
 - 9B.4.3 Two-FAMILY Dwellings.

And, renumber existing sections 9B.4.3 through 9B.4.7 to become sections 9B.4.4 through 9B.4.8 respectively.

[Note: Section 9B.4 and its subsections currently read:

- 9B.4 Allowed USES Only the following USES shall be allowed in a SENIOR Residence development:
- 9B.4.1 Single FAMILY dwellings.
- 9B.4.2 Single FAMILY dwellings with one apartment.
- 9B.4.3 Multifamily dwellings.
- 9B.4.4 ACCESSORY USES typically associated with residential USES.
- 9B.4.5 Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.
- 9B.4.6 Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.
- 9B.4.7 Allowed USES on the Common Land as set forth herein.]
- C. Delete section 9B.5 and its subsections 9B.5.1 through 9B.5.10 and replace them with a new section 9B.5 and new subsections as follows:
 - 9B.5 Dimensional Regulations A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:
 - 9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.
 - 9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.
 - 9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET within the site; 30 feet from any TRACT OF LAND boundary; and 10 feet from the Common Land boundary, except that the Planning Board may require larger setbacks.

- 9B.5.4 Minimum separation of BUILDINGS: 20 feet for exterior walls with doors, otherwise 10 feet
- 9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.
- 9B.5.6 Maximum horizontal dimension of a BUILDING: 200 feet.
- 9B.5.7 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.

[Note: Section 9B.5 and its subsections currently read:

- 9B.5 Dimensional Regulations A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:
- 9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.
- 9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.
- 9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.
- 9B.5.4 Minimum separation of BUILDINGS: 20 feet.
- 9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.
- 9B.5.6 Maximum number of DWELLING UNITS per BUILDING: 4.
- 9B.5.7 Maximum horizontal dimension of a BUILDING: 200 feet.
- 9B.5.8 Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.
- 9B.5.9 Where the requirements of this section 9B differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail.
- 9B.5.10 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.]
- D. Delete section 9B.9.1 and replace it with a new section 9B.9.1 as follows:
 - 9B.9.1 Dimensional Requirements for the Common Land In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:

[Note:_Section 9B.9.1 currently reads:

- 9B.9.1 Dimensional Requirements for the Common Land In a SENIOR Residence development, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:]
- E. Delete section 9B.9.1.2 and replace it with a new section 9B.9.1.2 as follows:
 - 9B.9.1.2 Eighty percent (80%) of the minimum required Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other

purposes or USES. Each such Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide. The other twenty percent (20%) of the Common Land may be scattered throughout the development site for buffer, screening, or park purposes.

[Note: Section 9B.9.1.2 currently reads:

- 9B.9.1.2 The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.]
- F. Delete section 9B.12.3 and replace it with a new section 9B.12.3 as follows:
 - 9B.12.3 Density Bonus Option –
 - 9B.12.3.1 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 6 per acre in the R-2 District, and to 4 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 10% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.
 - 9B.12.3.2 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 7 per acre in the R-2 District, and to 5 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 15% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.
 - 9B.12.3.3 Rounding to whole unit numbers shall be made to the nearest integer. When rounding, fractions of .5 shall be rounded up.
 - 9B.12.3.4 The Planning Board may further adjust or waive the dimensional requirements of section 9B.5, the parking requirements of section 9B.6, and the Common Land requirements of 9B.9 to the extent reasonable and necessary to facilitate the production of affordable DWELLING UNITS under this density bonus option.

[Note: Section 9B.12.3 currently reads:

Density Bonus Option — The total number of allowable DWELLING UNITS in a SENIOR Residence development may be doubled to 8 per acre in the R-2 District, and to 6 per acre in the R-4, R-8, R-8/4, and R-10/8 Districts provided that at least 20% of the DWELLING UNITS in the SENIOR Residence development, rounded to the next integer, are AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.]

, or take any other action relative thereto.

SUMMARY

The Senior Residence development option, section 9B of the zoning bylaw, was introduced in 2000 as an alternative to standard single-family home developments in residential zoning districts and as a response to the housing needs of Acton's growing senior population including the need for affordable senior housing. This option has not been utilized, yet. Several developers have explored and discussed with Planning Department staff the use of section 9B of the zoning bylaw. During these discussions the

dimensional requirements of section 9B became a concern as being too limiting to make Senior Residence housing an economically attractive and viable development alternative to single-family homes.

A recent review of conceptual development schemes on the proposed Ellsworth Village site in East Acton for a Senior Residence project under section 9B revealed this problem clearly (this site has also been proposed for a Ch. 40B affordable housing project). The site is very little constrained by wetlands or odd-shape lot inefficiencies. Yet, applying all dimensional requirements of section 9B, would not permit the 3 units per acre housing densities that the regulations purport to allow in the zoning district. This strongly suggests that changes are necessary to realize the intent of Town Meeting to generate senior housing and senior affordable housing through section 9B.

This article would adjust or clarify some of the dimensional requirements for buildings and structures, and delete others. It would also reduce the minimum common land or open space requirement to 50% (presently 60%) of the total development site, 20% of the set-aside common land could be scattered in small portions, throughout the site to create areas for buffers, screening, and small parks.

Section 9B requires a small affordable housing component of 5%, but also provides for the inclusion of more affordable dwelling units with a further increase in density. This Article would reduce the maximum density under this bonus option, adjust the requirement for affordable dwelling units accordingly, and give the Planning Board, as the special permit granting authority, the flexibility to further adjust or waive dimensional, parking, and common land requirements in order to accommodate the density increases that come with affordable housing.

Direct Inquiries to: Roland Bartl, Town Planner: planning@acton-ma.gov / (978) 264-9636

Selectman assigned: - E-mail: <u>bos@acton-ma.gov</u>

Recommendations: Board of Selectmen Finance Committee Recommended Recommended Recommended

ARTICLE BX *

(Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows [Notes in italic print are not part of the article but are intended for explanation only]:

- C. Amend the zoning map, Map No. 1, by rezoning from Residence 2 (R-2) to Village Residential (VR) an area of land shown in the 2003 Town Atlas on map F-2B as parcel 58.
- D. Amend the zoning map, Map No. 1, by rezoning from Residence 8 (R-8) to Residence 10/8 (R-10/8) an area of land shown in the 1993 Town Atlas on map F-5 as parcel 12-3.
- E. Amend the zoning bylaw by deleting sections 3.5.12 and 3.5.13 and replacing them with new sections 3.5.12 and 3.5.13 as follows:
 - 3.5.12 Services Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, diaper service, building cleaning service, funeral home, shoe repair, tailor, clothing rental shop, equipment rental or leasing, food catering, photocopying, secretarial service, or similar USES or establishments.
 - 3.5.13 Repair Shop, Technical Shop, Studio Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.

[Note: Sections 3.5.12 and 3.5.13 currently read as follows:

- 3.5.12 Services Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, funeral home, shoe repair, clothing rental shop, equipment rental or leasing, or similar USES or establishments.
- 3.5.13 Repair Shop, Technical Shop, Studio Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; diaper service; building cleaning service; photocopying; secretarial service; tailor; food catering; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.]
- F. Amend the zoning bylaw, section 7.5, by deleting the last sentence of the lead paragraph and replacing it with the following new sentence:
 - "No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN, directional SIGN, or an EXTERIOR SIGN."

[Note: The lead paragraph of section 7.5 currently reads as follows:

7.5 SIGNS Which Do Not Require a SIGN Permit — The following SIGNS do not require a SIGN Permit or Special Permit, nevertheless such SIGNS shall comply with Sections 7.3 and 7.4 above unless specifically provided otherwise in this section. No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN or an EXTERIOR SIGN.]

, or take any other action relative thereto.

SUMMARY

Part A of this article would rezone to Village Residential a +/-7500-square foot parcel of land with a building on it. The parcel's street address is 220 Central Street in West Acton. It is located between Central Street and Willow Street near the intersection of the two. Town Meeting established the Village Residential District in this area in April of 1994. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels are zoned Village Residential.

Part B of this article would rezone to Residence 10/8 a long narrow sliver of land on the northwest side of Pope Road from 150 Pope Road to the intersection with Strawberry Hill Road. The subject parcel was last identified in the 1993 Town Atlas. It has since been incorporated into several new residential lots shown in the 2003 Town Atlas on map F-5 as parcels 55 (150 Pope Road), 56 (160 Pope Road), 57 (178 Pope Road), and 58 (180 Pope Road), and on map E-5 as parcels 16-15 (115 Strawberry Hill Road) and 16-16 (186 Pope Road). Town Meeting established the Residence 10/8 District in this area in November of 1990. A recent review of Acton's zoning history revealed that this parcel was inadvertently omitted. All surrounding parcels on this side of Pope Road are zoned Residence 10/8. With this change the six mentioned lots would be zoned uniformly.

Part C corrects the use definitions for 'Services' (section 3.5.12) and 'Repair Shop, Technical Shop, Studio' (section 3.5.13). A recent review of these sections revealed that a mix-up had occurred with some of the uses listed in these definitions in the 2000 Annual Town Meeting warrant when these sections were last revised as part of a complete rewrite of section 3.

Part D amends a paragraph in the sign regulations of the zoning bylaw to allow directional signs within the 5-foot front setback that applies to most other signs. Directional signs as defined in the zoning bylaw are for instance, enter / exit signs, handicapped parking signs, or street address signs.

Direct Inquiries to: Roland Bartl, Town Planner: <u>planning@acton-ma.gov</u> / (978) 264-9636 Selectman assigned: - E-mail: <u>bos@acton-ma.gov</u>

Recommendations: Board of Selectmen Finance Committee Recommended Recommended Recommended Recommended

ARTICLE CA (Two-thirds vote)

AMEND ZONING BYLAW AMEND AGRICULTURAL USE DEFINITION

To see if the Town will vote to amend the zoning bylaw, by deleting the first two sentences of section 3.2.1 and replacing them with following new sentences:

"On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture (including without limitation the growing and keeping of nursery stock and the sale thereof, whether such nursery stock is grown in the ground or in burlap, containers, or other suitable manner, provided it is nourished, maintained and managed while on the premises); floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be subject to and in conformance with the definitions and requirements for these activities under MGL Ch. 40A, s. 3.

[Note: Section 3.2.1 currently reads:

Agriculture – On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture; floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be in conformance with the definitions and requirements for these activities of MGL Ch. 40A, s. 3. On a parcel of two acres or more: Cultivating, harvesting and storing of field crops, produce or fruit, and storage of farm equipment that is necessary for these activities; the boarding, keeping and raising of not more than one horse, goat or sheep, plus its offspring up to one year of age.]

, or take any other action relative thereto.

SUMMARY

This article would further define the meaning of "horticulture" in the definition of "Agriculture" on a parcel of more than five acres (section 3.2.1 of the zoning bylaw), and conform the definition of "Agriculture" to MGL Ch. 40A, s. 3.

Direct inquiries to: Selectman assigned:

Recommendations: Board of Selectmen Postponed Finance Committee Postponed Peterred Deferred

ARTICLE CB *

TOWN BOARD SUPPORT – SPECIAL PROJECTS

(Majority vote)

To see if the Town will raise and appropriate, or appropriate from available funds, the sum of \$2,000, or any other sum, to be expended by the Town Manager for the ongoing expenses of the Acton-Boxborough Cultural Council for programs in Acton, or take any other action relative thereto.

SUMMARY

The Acton-Boxborough Cultural Council (ABCC) seeks a sum of money to produce cultural activities and programming in Acton. These funds will help to foster collaborations among local artists and cultural organizations and to address the cultural needs of the Town. This will augment the funds received by the ABCC from the State through the Massachusetts Cultural Council

Direct inquiries to: Don P. Johnson, Town Manager: manager@acton-ma.gov / (978) 264-9612

Selectman assigned: Peter Ashton – E-mail: bos@acton-ma.gov

Recommendations: <u>Board of Selectmen</u> <u>Finance Committee</u>

Recommended Recommended

ARTICLE CD

(Majority vote)

TRANSPORTATION REVOLVING FUND

To see if the Town will vote to approve the creation of an Acton Public Schools Transportation Revolving Fund for the transportation of students to after-school activities, and to allow the Superintendent of Schools to expend funds from this fund for such purpose in accordance with Massachusetts General Law Chapter 44, Section 53E½.

SUMMARY

This article requests an appropriation for the Acton Public Schools Transportation Revolving Fund. The APS Transportation Revolving Fund permits the local schools to offset its costs with fees for services. These fees are deposited in a separate account and may be expended to pay a portion of the anticipated costs of running the transportation service. If income in any year is in excess of expenses, the excess shall be deposited in a separate fund and used for capital expenditures of the service or to reduce user fees.

Direct inquiries to: Bill Ryan, Superintendent of Schools: <u>bryan@mail.ab.mec.edu</u> / (978) 264-4700 Selectman assigned:

Recommendations: <u>Board of Selectmen</u> <u>Finance Committee</u>

Postponed

ARTICLE CE * (Majority vote)

SIDEWALK EASEMENT - ARLINGTON STREET

To see if the Town will vote to accept as a gift from Richard Gordon and Paula Starr Gordon, a permanent sidewalk easement and a temporary 5' wide sidewalk construction easement at 294 Arlington Street and being shown as "Proposed Sidewalk Easement" and "Proposed Temporary 5' Wide Sidewalk Construction Easement" on a plan entitled "Definitive Subdivision Plan for Thunder Way, Acton, Massachusetts", dated March 31, 2003, last revised September 9, 2003, and as described more fully in a Grant of Easement to the Town of Acton, both to be recorded at the Middlesex South District Registry of Deeds, Cambridge MA, or take any other action relative thereto.

SUMMARY

The donation of this easement is for a proposed sidewalk at this location required as a condition of approval of the Thunder Way Subdivision by the Acton Planning Board. The easement allows for the extension of the existing sidewalk on Arlington Street near West Acton Village.

Direct Inquiries to: Roland Bartl, Town Planner: <u>planning@acton-ma.gov</u> / (978) 264-9636 Selectman assigned:

Recommendations: Board of Selectmen Finance Committee

Recommended Recommended

ARTICLE CR (Majority vote) HEATING SYSTEM REPAIRS – DOUGLAS ELEMENTARY SCHOOL

To see if the Town will vote to appropriate a sum of money, to be expended at the direction of the School Committee, to pay for costs of repairs to the heating system at the Douglas Elementary School, including the payment of all other costs incidental and related thereto; to determine whether such appropriation shall be raised by taxation, by transfer from available funds, by borrowing or otherwise, or to take any other action relative thereto.

SUMMARY

[To be determined]

Direct Inquiries to:

Selectman assigned: - E-mail: bos@acton-ma.gov

Recommendations: <u>Board of Selectmen</u> <u>Finance Committee</u>

Postponed

A RESOLUTION OF THE TOWN OF ACTON AFFIRMING OUR CIVIL LIBERTIES

A RESOLUTION OF THE TOWN OF ACTON AFFIRMING OUR CIVIL LIBERTIES

Whereas, the Town of Acton denounces terrorism and appreciates and supports those who defend us from terrorism and terrorist attacks: the men and women serving in our armed forces, federal, state and local law enforcement officers, firefighters, and health service professionals, and

Whereas, the Town of Acton values a diverse population whose contributions to the community are essential to its vitality and character, and

Whereas, the Town of Acton has an historic and distinguished tradition of fighting for the civil liberties for all people as expressed in the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and

Whereas, the First Amendment to the United States Constitution states "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances," and

Whereas, the Fourth Amendment states "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized," and

Whereas, the Sixth Amendment guarantees defendants the following rights: "the right to a speedy and public trial, by an impartial jury, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have the assistance of counsel for his defense," and

Whereas, the Eighth Amendment states "excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted," and

Whereas, the Fourteenth Amendment states "... nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of laws," and

Whereas, we believe these liberties are precious and are now being threatened by the USA PATRIOT Act, which:

- All but eliminates judicial supervision of telephone and Internet surveillance;
- Greatly expands the government's ability to conduct secret searches;
- Gives the U.S. Attorney General and the Secretary of State unchecked power to designate domestic groups as "terrorist organizations," and
- Grants the FBI broad and unsupervised access to sensitive medical, mental health, financial, and educational records about individuals without having to show evidence of a crime and without a court order; and

Whereas, Federal Executive Orders

- Establish secret military tribunals for terrorism suspects;
- Permit wiretapping of conversations between federal prisoners and their lawyers;
- Lift Department of Justice regulations against illegal COINTELPRO operations by the FBI (i.e., covert activities that in the past targeted domestic groups and individuals), and
- Limit the disclosure of public documents and records under the Freedom of Information Act;

Whereas, Town employees are prevented from protecting the constitutional rights of citizens of Acton according to Section 215 of the USA PATRIOT Act and are at risk of prosecution due to the conflict between said Section and the Constitution of the United States;

NOW, THEREFORE, in keeping with the spirit and history of the Town of Acton, BE IT RESOLVED THAT:

- 1. The Town of Acton has been and remains firmly committed to the protection of civil liberties. We affirm our commitment to embody the spirit of democracy, to embrace and defend human rights and civil liberties for all regardless of citizenship, gender, sexual orientation, racial identification, religious affiliation, age, or country of origin.
- 2. The Town of Actor calls upon all private citizens, including residents, employers, and business owners, to demonstrate similar respect for each others' civil rights and civil liberties.
- 3. The Town of Acton affirms its strong opposition to those parts of the USA PATRIOT Act, any Justice Department directives, or Executive Orders that weaken or destroy our civil liberties.
- 4. The Town Manager shall be directed to transmit a copy of this resolution to all members of the Massachusetts Congressional Delegation, the President of the United States, and the U.S. Attorney General accompanied by a letter urging them to:
 - Thoroughly and immediately assess the impact of the USA PATRIOT Act on individual civil liberties;
 - Work to repeal provisions of the USA PATRIOT Act and other laws and regulations that infringe on civil rights and liberties;
 - Closely monitor federal anti-terrorism tactics;
 - Oppose further legislation and Executive Branch Orders that violate our Bill of Rights.
- 5. The Town Manager shall be directed to transmit a copy of this resolution to the Governor, Attorney General of the Commonwealth of Massachusetts, and Acton's delegation to the General Court of Massachusetts.

Direct inquiries to: Sue Kennedy - 264-9165 / Sid Levin - 263-6515 - Acton Citizens for the Bill of

Rights

Selectman assigned: Walter Foster – E-mail: bos@acton-ma.gov

Recommendations: Board of Selectmen Finance Committee

Recommended None

And you are directed to serve this Warrant by posting attested copies thereof fourteen days at least before the time of said meeting, in not less than six public places in Town, to be designated by the Board of Selectmen.

Hereof fail not, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at or before the time of said meeting.

Given under our hands at Acton this fourth day of March 2004.

Walter M. Foster, Chairman Peter K. Ashton F. Doré Hunter William H. Shupert, III Robert A. Johnson **Board of Selectmen**

A true copy, Attest:	
	Constable of Acton

Glossary

Terms Commonly Used in Municipal Finance

Abatement: A complete or partial cancellation of a tax bill imposed by a governmental unit; applicable to tax levies and special assessments.

Appropriation: An authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes. An appropriation is usually limited in amount and the time when it can be expended. Any amount that is appropriated may be encumbered.

A warrant article appropriation is carried forward from year to year until spent for the designated purpose or transferred by town meeting vote to another account.

Assessed Valuation: The value placed upon a particular property by the local Board of Assessors for the purpose of apportioning the town's tax levy among individual property owners equitably and in accordance with the legal requirement that property be assessed at "full and fair cash value", certified periodically by the Commonwealth's Commissioner of Revenue (no less frequently than once every three years.)

Audit: Work done by accountants in examining financial reports, reviewing compliance with applicable laws and regulations, reviewing effectiveness in achieving program results. A basic audit examines only the financial reports and legal compliance. An outside Certified Public Accountant (CPA) audit is directed primarily toward the expression of an opinion as to the fairness of the financial statements and submission of a management letter. An auditor must be independent of the executive branch of government. A state auditor, private CPA or public accountant, or elected auditor meets this test.

Balance Sheet: A statement that discloses the assets, liabilities, reserves and equities of a fund or government unit at a specified date.

Budget: A plan of financial operation embodying an estimate of proposed expenditures for a given period and the proposed means of financing them. A budget may be preliminary (the financial plan presented to the town meeting) or final (the plan approved by that body).

Capital Budget: A plan of proposed capital outlays and the means of financing them for the current fiscal period. It is usually a part of the current budget.

Capital Exclusion: A vote to exclude from the levy limit the cost of a capital project. This exclusion only affects the levy limit for the year in which the project was undertaken.

Cemetery Land Fund: A fund established to which revenues are earmarked for the acquisition of land development costs on designated cemetery land purchases.

Cherry Sheet: An annual statement received from the Massachusetts Department of Revenue detailing estimated receipts for the next fiscal year for the various state aid accounts and estimated state and county government charges payable by the Town in setting the tax rate. The actual receipts and charges may vary from the estimates.

Classification: The division of the real estate tax and personal property voted by the Selectmen. The Selectmen may choose one rate for residences, another rate for business, and another rate for open space.

Debt Exclusion: A vote to exclude from the levy limit the costs of debt service for capital projects. This exclusion remains in effect for the life of the debt only.

Debt Service: Payment of interest and principal related to debt.

Encumbrance: Obligations such as purchase orders, contracts, salary commitments which are chargeable to an appropriation and for which a part of the appropriation is reserved.

Enterprise Fund: A fiscal entity with a self-balancing set of accounts that is utilized to account for a governmental service when it is the intent to recover the total costs of service, including depreciation, primarily through user charges and may be supplemented by taxes.

Equalized Valuation: The value of all property as determined by the Commissioner of Revenue biennially, to place all property in the state upon an equal footing, regardless of date of assessment.

Excess And Deficiency -- Also called the "surplus revenue" account, this is the amount by which cash, accounts receivable, and other assets exceed a regional school district's liabilities and reserves as certified by the Director of Accounts. The calculation is based on a year-end balance sheet which is submitted to the Department of Revenue by the district's auditor, accountant, or comptroller as of June 30. The regional school committee must apply certified amounts exceeding five percent of the district's prior year operating and capital costs to reduce the assessment on member cities and towns.

Expenditure: The spending of money by the town and schools for the programs or projects within the approved budget.

FTE: A full-time equivalent employee based on a 40-hour work week. May be one or more employees, but the total weekly hours equal 40.

Fiscal Year ("FY"): A 12-month period, beginning July 1 and ending June 30, to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations. The numbers of the fiscal year is that of the calendar year in which its ends; for example, FY04 or FY 2004 is the fiscal year which ends June 30, 2004.

Free Cash: Certified each July 1 by the State, this is the portion of Undesignated Fund Balance available for appropriation. It is not cash but rather is approximately the total of cash and receivables less current liabilities and earmarked reserves, reduced also by reserves for uncollected taxes.

Fund: An accounting entity with a self-balancing set of accounts that is segregated for the purpose of carrying on identified activities or attaining certain objectives in accordance with specific regulations, restrictions or limitations.

General Fund: The fund into which the general (non-earmarked) revenues of the town are deposited and from which money is appropriated to pay expenses.

General Obligation Bonds: Bonds issued by the Town that are backed by the full faith and credit of its taxing authority.

Joint Labor Management Negotiation Process: A negotiation process available to Police and Fire Unions, which utilizes Commonwealth of Massachusetts' mediators and arbitrators. If an arbitration Version 4 – March 4, 2004 – 114

decision is issued, it is binding upon the Executive Branch (The Board of Selectmen and Management Staff). Further, the Executive Branch must fully support such an arbitration decision before Town Meeting, even if they believe such a decision is <u>not</u> in the best interest of the Town.

Overlay: The amount raised from the property tax levy in excess of appropriations and other charges. It is used to cover abatements and exemptions granted locally or on appeal, and cannot exceed an amount deemed reasonable by the Commissioner of Revenue.

Override: A vote to increase the amount of property tax revenue that may be raised over the levy limit.

Personnel Services: The cost of salaries, wages and related employment benefits.

Purchased Services: The cost of services that are provided by a vendor.

Property Tax Levy: The amount produced by multiplying the assessed valuation of property by the tax rate. The tax rate is expressed per thousand dollars of assessed valuation, for example:

House Value:	\$ 3	00,000	
Tax rate:	\$	10	which means \$10 per thousand
Levy:	\$	10	multiplied by \$300,000 and divided by \$1,000
Result:	\$	3,000	

Raise: A phrase used to identify a funding source for an expenditure which refers to money generated by the tax levy or other local receipt.

Reserve Fund: A fund appropriated each year that may be used only by vote of the Finance Committee for "extraordinary or unforeseen expenditures."

Revolving Fund: Those funds that may be used for special uses. For example, Recreation fees may be paid into a revolving fund, and expenditures can be made without appropriation with the approval of the Town Manager. Revolving funds are established by state law or town bylaw. Some revolving funds must be annually reauthorized by Town Meeting.

Tax Levy: Total amount of dollars assessed in property taxes imposed by the Town each fiscal year.

Unreserved Fund Balance or Surplus Revenue Account: The amount by which cash, accounts receivable and other assets exceed liabilities and restricted reserves. It is akin to the stockholders equity account on a corporate balance sheet. It is not, however, available for appropriation in full because a portion of the assets listed as "accounts receivable" may be taxes receivable and uncollected. (See Free Cash)

Warrant: A list of matters to be acted on by Town Meeting.

Parliamentary Procedure

Acton Town Meeting Procedures

Town Meeting is an old and honored tradition in New England. After more than 200 years we can say it still works – it does its job – and hopefully it's more than a little enjoyable for you, the voters. It's also the only form of government where the leaders must face the citizenry directly to answer all reasonable queries – and perhaps even some not so reasonable! However, to work well it must have rules of order – and it does. Town Meetings operate under what is generally called "parliamentary procedure" – in our case, as spelled out in Town Meeting Time. Unfortunately, this wonderful little book is widely read only by Moderators, Town Clerks, Town Counsels and a few others with unusual tastes. In addition to such formal procedures Town Meetings also are subject to relatively arbitrary rules of order set forth by the Moderator and precedent. The following information puts forth the most widely used of these "rules of the road" as an effort to help you enjoy and participate in our Town Meetings.

Moderator's Rules

These are quite arbitrary, but hopefully are consistently applied:

- 1. Any registered voter may speak to any article, but all must speak politely and respectfully to other voters and members of town boards. Civility is not an option.
- 2. Since many voters may wish to speak, brevity of comment is appreciated. In addition, speakers are encouraged to add new points to the debate as opposed to repeating what others have already stated.
- 3. Voters may speak to an issue more than once, but generally "first time" speakers will be recognized before "repeaters".
- 4. Remember to listen closely to the motion as stated. The motion puts the warrant article "in play" and it is the <u>motion</u> that is voted on, <u>not</u> the article as written in the warrant. However, there should be a strong similarity between motion and article.
- 5. Most motions must be "seconded". Seconding motions is an easy way for newcomers to participate in the meeting. One does not even need to stand or be directly recognized. Generally calling out "second" at the right time will suffice.
- 6. Voting is most often done by voice. As the Moderator's hearing fails, "standing" counts may be taken. The last resort, due to time constraints, is to take a counted vote by teller.
- 7. Although not encouraged, the Moderator's judgment can be questioned as to the accuracy of the vote as announced. If seven (7) people request a "recount" of a voice or standing votes, it shall be done.
- 8. The Moderator will generally accept the motion to "move the previous question", or more easily understood, "to cut off debate." Many people think this motion is somewhat unfair, but it has been my experience that, more often than not, it is passed unanimously or by overwhelming numbers. In the past, the moderator has been accused of knowing who plans to make such a motion generally such accusations are accurate!

- 9. After a motion has been made and seconded, the mover of the motion speaks first, followed by the appropriate Town Boards (generally the Selectmen and the Finance Committee) who state their opinions. The motion is then available for general discussion pro, con, or questions.
- 10. Other than when seconding a motion or requesting a point of order, speakers must be recognized by the Moderator before they launch into their point or question. For the most part this "rule of the road" is rigorously enforced.

More Formal Parliamentary Procedure

There are many types of motions that may come before a meeting. The table below is far from all-inclusive, but indicates the most commonly used motions.

Motion	Second Required	Debatable	Amendable	Vote Required	May Recon- Sider	May Interrupt
Dissolve	Yes	No	No	Majority	No	No
Fix the Time to Adjourn	Yes	Yes	Yes	Majority	Yes	No
Lay on the Table	Yes	No	No	Two-thirds	Yes	No
Previous Question	Yes	No	No	Two-thirds	No	No
Limit Debate	Yes	No	No	Two-thirds	Yes	No
Postpone to a Time Certain	Yes	Yes	Yes	Majority	Yes	No
Amend	Yes	Yes	Yes ¹	Majority	Yes	No
Postpone Indefinitely	Yes	Yes	No	Majority	Yes	No
Point of Order	No	No	No	None	No	Yes
Main Motion	Yes	Yes	Yes	Varies	Yes	No
Reconsider ²	Yes	Yes	No	Two-thirds	No	No

- In Acton, we generally do not accept amendments to amendments too confusing.
- Controlled by Town bylaw -2/3 Vote same night; 3/4 Vote, plus posting ensuing nights.

Some of the motions listed above may not be totally understandable in table form only. The following elaboration may help.

The motion to *dissolve* ends the Town meeting and is appropriate only when all business is completed.

Fix the time to adjourn is a motion often made by the Selectmen and indicates when a given Town Meeting session will end and when the next session will begin.

Lay on the table is a motion used to end debate temporarily or permanently on a given motion. A motion laid on the table may remain there forever, or may be retrieved by the appropriate "take from the table" vote.

The previous question cuts off debate immediately and causes a vote on the article or amendment under discussion

Limit debate is a motion generally used to put a specific time limit on a motion or time limits on individual speakers.

Postpone to a time certain is a motion generally used to rearrange the order of the articles (or a single article) in the warrant.

Amend – Many types of motions can be amended or altered to bring them to an even higher state of perfection. Of course, since amendments are a little like "beauty being in the eye of the beholder," they sometimes fail to pass. In any event, after the amendment is disposed of by a vote, the primary motion, either so amended or not, comes back to the assemblage for further discussion and vote.

Postpone Indefinitely serves the same basic purpose as laying a motion on the table except that it is debatable and requires only a majority vote. If the postpone motion carries, the motion to which it applies is dead – in parliamentary terms, at least.

Point of Order – Anyone at any time may rise to a point of order and interrupt the speaker, simply stating, "Point of order, Mr. Moderator." The Moderator will immediately stop discussion, listen to the point of order and rule on its validity. Points of order may relate to many issues, for example, the right of a speaker to the floor, proper procedures, indecorous conduct or rarely, but within the realm of possibility, some error that the moderator is committing.

Main Motions are made when no other business is pending and are the devices used to bring the warrant articles to the Town Meeting floor for discussion.

Reconsideration may be used to bring an article (or motion) which has already been disposed of back for a second time. If reconsideration is passed, it nullifies the previous vote and the article is re-discussed and re-voted. Many people feel that reconsideration is unfair, but it is a valid procedure and is occasionally used. In Acton, a Town Bylaw controls the vote quantum rather than <u>Town Meeting Time</u>. Anyone who wishes to reconsider a motion, particularly on a different night from the original vote, would be well advised to consult the Town Clerk on proper procedures.

Parliamentary procedure is not really complex, but the rules, like the rules of golf, do not always make sense. However, they should be consistently applied. If they are, then the Town Meeting can conduct its business in both an orderly and a fair fashion.

I hope this small treatise is helpful to you and adds to your understanding and enjoyment of a most precious night – TOWN MEETING.

Don MacKenzie Town Moderator



Internet References

Town of Acton 472 Main Street Acton, MA 01720

Tel ephone (978) 264-9606 E-mail <u>it@acton-ma.gov</u>

Official Town of Acton Web Site

www.acton-ma.gov

The Town maintains electronic mail ("E-mail") distribution groups for all Boards, Committees and Commissions, as well as Departments. Such groups are commonly referred to as "shells."

E-mails sent to shells are automatically forwarded to all members of the group who have provided their e-mail address to the Town.

Using e-mail does *not* satisfy Open Meeting Law requirements (Massachusetts General Laws, Chapter 39, Section 23B). Please direct questions regarding this law to the Town Clerk.

To use a shell, send your e-mail to the address listed in the right-hand column of this table. When replying to an e-mail sent to a shell, it is recommended that you use the "Reply to All" function of your e-mail program so that all members are copied on your reply.

Acton Community Housing Corporation	achc@acton-ma.gov
Acton Leadership Group	<u>alg@acton-ma.gov</u>
Acton-Boxborough Cultural Council	<u>abcc@acton-ma.gov</u>
Appeals, Board of	<u>boa@acton-ma.gov</u>
Assessor Department	<u>assessor@acton-ma.gov</u>
Assessors, Board of	<u>bas@acton-ma.gov</u>
Building Department	<u>building@acton-ma.gov</u>
Cable Advisory Committee	<u>cac@acton-ma.gov</u>
Cemetery Department	<u>cemetery@acton-ma.gov</u>
Citizens' Library Department	<u>wacl@acton-ma.gov</u>
Clerk Department, Town	<u>clerk@acton-ma.gov</u>
Collector Department	<u>collector@acton-ma.gov</u>
Commission on Disability	<u>cod@acton-ma.gov</u>
Community Preservation Committee	cpc@acton-ma.gov
Conservation Commission	conscom@acton-ma.gov
Council on Aging	<u>coa@acton-ma.gov</u>
Council on Aging Department (Senior Center)	seniorcenter@acton-ma.gov
East Acton Village Planning Committee	<u>eav@acton-ma.gov</u>
Economic Development Committee	edc@acton-ma.gov
Emergency Management Agency, Acton	<u>ema@acton-ma.gov</u>
Engineering Department	engineering@acton-ma.gov
Fair Housing Committee	<u>fhc@acton-ma.gov</u>
Finance Committee	<u>fincom@acton-ma.gov</u>
Finance Department	<u>finance@acton-ma.gov</u>
Fire Department	<u>fire@acton-ma.gov</u>
Hanscom Field Advisory Committee	<u>hfac@acton-ma.gov</u>
Health Department	<u>health@acton-ma.gov</u>

Health, Board of	boh@acton-ma.gov
Highway Department	<u>highway@acton-ma.gov</u>
Historic District Bylaw Study Committee	hdbsc@acton-ma.gov
Historic District Commission	hdc@acton-ma.gov
Historical Commission	<u>hc@acton-ma.gov</u>
Human Resources Department	<u>hr@acton-ma.gov</u>
Information Technology Department	<u>it@acton-ma.gov</u>
Joint Technology Advisory Committee	<u>jtac@acton-ma.gov</u>
Land Stewardship Committee	lsc@acton-ma.gov
Manager Department, Town	<u>manager@acton-ma.gov</u>
Memorial Library Department	<u>library@acton-ma.gov</u>
Metropolitan Advisory Planning Council	<u>mapc@acton-ma.gov</u>
Municipal Properties Department	<u>mp@acton-ma.gov</u>
Natural Resources Department	<u>nr@acton-ma.gov</u>
Nursing Department	<u>nursing@acton-ma.gov</u>
Open Space and Recreation Committee	<u>osrc@acton-ma.gov</u>
Outdoor Lighting Advisory Committee	<u>olac@acton-ma.gov</u>
Parking Clerk	<u>parkingclerk@acton-ma.gov</u>
Personnel Board	<u>peb@acton-ma.gov</u>
Planning Board	pb@acton-ma.gov
Planning Department	<u>planning@acton-ma.gov</u>
Police Department	<u>police@acton-ma.gov</u>
Public Ceremonies Committee	pcc@acton-ma.gov
Public Safety Facilities Building Committee	psfbc@acton-ma.gov
Recreation Commission	reccom@acton-ma.gov
Recreation Department	recreation@acton-ma.gov
School Committee, Acton-Boxborough Regional	abrsc@acton-ma.gov
School Committee, Acton Public	apsc@acton-ma.gov
Selectmen, Board of	<u>bos@acton-ma.gov</u>
Senior Taxation Aid Committee	stac@acton-ma.gov
South Acton Revitalization Committee	sarc@acton-ma.gov
Town Report Committee	<u>trc@acton-ma.gov</u>
Transportation Advisory Committee	tac@acton-ma.gov
Treasurer's Advisory Committee	<u>trac@acton-ma.gov</u>
Volunteer Coordinating Committee	vcc@acton-ma.gov
Wastewater Advisory Committee	wac@acton-ma.gov



Volunteer Coordinating Committee

Town of Acton 472 Main Street Acton, MA 01720

Volunteer Application

Tel ephone (978) 264-9612 Fax (978) 264-9630 E-mail vcc@acton-ma.gov

Residents interested in serving on a Town Board, Committee or Commission are requested to complete this form and forward it to the Office of the Town Manager at Town Hall.

(Please print or type)

Title Mr. Mrs. Ms. Dr.	E-mail Address	Date
Last Name	First Name	Middle Initial
Street Address	Home Phone	Business Phone
		below, in order of preference, the Board,
		mittee or Commission (either in Acton or proximate dates of service:
Are you a U.S. Citizen?	How long have you live	ed in Acton? In Massachusetts?
Present occupation and employ	yer (Optional: Attach résum	é)
		usiness relationship with the Town of Acton
Education or special training:_		
		nts that may help in the matching of your tee, such as civic experience, special

Town of Acton Volunteer Boards, Committees and Commissions Acton Community Housing Historic District Commission Acton-Boxborough Cultural Council **Historical Commission** Aging, Council on Joint Technology Advisory Committee Appeals, Board of Metropolitan Advisory Planning Council Assessors, Board of Minuteman Home Care Cable Advisory Committee Minuteman Vocational School Representative **Cemetery Commission** Personnel Board Community Preservation Committee Planning Board Conservation Commission **Public Ceremonies Committee** Disability, Commission on **Recreation Commission** Fair Housing Committee South Acton Revitalization Committee Finance Committee **Town Report Committee** Hanscom Field Advisory Transportation Advisory Committee Volunteer Coordinating Committee Health, Board of

Thank you. If you have questions or would like more information, please contact a member of the Volunteer Coordinating Committee. Current membership may be obtained through the Town Manager's office at Town Hall, (978) 264-9612.

The space below is for use by the Volunteer Coordinating Committee and the appointing body to record the status of your application.

VCC Interview	Appointing Body
Applicant Called	Selectmen / Manager / Moderator
Schedule Date & Time	Interview Date
Recommendation	Appointed Date
	Term
Board, Committee or Commission	
	Member / Alternate / Associate
	Notification of Appointment
Recommendation Sent	Received by VCC
	Committee Notified
No openings at this time	Applicant Notified

VCC 3/8/03

• between articles